

Readopt PART Env-Ws 904, effective 11-16-96 (Doc. #6373) to read as follows:

PART Env-Ws 904 STANDARDS FOR PRETREATMENT OF INDUSTRIAL WASTEWATER

Env-Ws 904.01 Purpose. The purpose of these standards is to prevent the indirect discharge of pollutants to publicly-owned treatment works (POTW) which would:

- (a) Pass through, interfere with or be incompatible with the safety, successful performance, operation and maintenance of the POTW;
- (b) Cause the POTW to violate the water quality standards specified in Env-Ws 430; or
- (c) Adversely impact sludge quality and prevent its use or disposal.

Env-Ws 904.02 Applicability. These rules shall apply to the discharge of industrial wastes, as defined by RSA 485-A:2, VI, into POTW.

Env-Ws 904.03 Definitions. As used herein the following terms shall have the following meanings:

- (a) “Department” means the New Hampshire department of environmental services.
- (b) “Fume toxicity screening level” means that concentration of a pollutant in water which, under equilibrium conditions, a confined environment and a standard temperature, would cause the concentration of the pollutant in the air over that water to exceed the exposure limit.
- (c) “Headworks” means that portion of a wastewater treatment plant which first receives the total influent flow for initial treatment.
- (d) “Headworks loading limit” means the maximum allowable concentration of pollutants at the headworks of a treatment plant when the following constraints are considered:
 - (1) Water quality standards for the receiving water;
 - (2) Discharge permit limits;
 - (3) Inhibition of biological treatment processes;
 - (4) Sludge criteria;
 - (5) Corrosive destruction of the POTW;
 - (6) Air quality limitations; and
 - (7) Worker safety.

(e) “Indirect discharge” means the introduction of pollutants into the POTW from any non-domestic sources.

(f) “Industrial waste” means “industrial waste” as defined by RSA 485-A:2, VI, namely “any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources.”

(g) “Interference” means an indirect discharge which, alone or in conjunction with indirect discharge(s) from other sources:

(1) Inhibits or disrupts the POTW's treatment processes or operations, or its processing, use or disposal of sludge in compliance with applicable statutes and rules;

(2) Is a cause of a violation of any requirements of the POTW's federal or state discharge permit; or

(3) Prevents sewage sludge use or disposal in compliance with the following statutory provisions and rules or permits issued thereunder:

- a. Env-Wm 100-300 and 2100-2800 relative to solid waste management;
- b. Env-Wm 100-1000 relative to hazardous waste management;
- c. Env-A 100-1300 relative to air pollution control;
- d. The General Pretreatment Regulations For Existing and New Sources of Pollution, 40 CFR 403;
- e. The Federal Toxic Substances Control Act;
- f. The Federal Marine Protection, Research and Sanctuaries Act; and
- g. Env-Ws 800 and 40 CFR 503 relative to use or disposal of sewage sludge.

(h) “Local limit” means a pollutant concentration specified in a municipal sewer ordinance which numerically limits the amount of each specified pollutant that can be discharged to the POTW.

(i) “Municipal sewer use ordinance” means that set of ordinances, bylaws or regulations duly adopted by the governing body of the municipality relating to the collection system, pumping stations, publicly-owned treatment works or other appurtenant structures, including any pretreatment facilities as are required for the proper maintenance and operation of the foregoing enumerated facilities.

(j) “Municipality” means, for the purposes of these rules, any state county, city, town, district, governmental subdivision of the state or any other public or local entity, other than federal agencies, responsible for the operation and maintenance of the treatment works.

(k) “Other wastes” means other wastes as defined by RSA 485-A:2, VIII, namely “garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil, tar, chemicals and other substances other than sewage or industrial wastes, and any other substances harmful to human, animal, fish or aquatic life.”

(l) “Pass through” means a discharge to a POTW in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's federal and/or state discharge permit.

(m) “Person” means person as defined by RSA 485-A:2, IX, namely “any municipality, governmental subdivision, public or private corporation, individual, partnership or other entity.”

(n) “Pretreatment” means the application of physical, chemical, or biological processes, either singly or in combination, to reduce the amount of pollutants in or alter the nature of the pollutant property in a waste prior to discharge into a POTW.

(o) “Publicly owned treatment works” or “POTW” means a treatment works which is owned by a municipality.

(p) “Sewage” means “sewage” as defined by RSA 485-A:2, X, namely “the water-carried waste products from buildings, public or private, together with such groundwater infiltration and surface water as may be present.”

(q) “Sludge” means “sludge” as defined by RSA 485-A:2, XI-a, namely “the solid or semisolid material produced by water and wastewater treatment processes; provided however, sludge which is disposed of at solid waste facilities permitted by the waste management division of the department of environmental services shall be considered solid waste and regulated under RSA 149-M.”

(r) “Sludge toxicity” means the degree to which a sludge has a toxic effect on living organisms.

(s) “Surface waters of the state” means “surface waters of the state” as defined by RSA 485-A:2, XIV, namely “streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses and other bodies of water, natural or artificial.”

(t) “Treatment works” means any device or system used in the collection, storage, treatment, recycling, or reclamation of sewage or industrial waste and includes all collection sewers, interceptor sewers, pumping stations, treatment and appurtenant facilities essential to the operation of an entire system.

(u) “Upset” means “upset” as defined by RSA 485-A:2, XVIII, namely “an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee.”

(v) “Waste” means “waste” as defined by RSA 485-A:2, XVI, namely “industrial waste and other wastes.”

(w) “Wastewater treatment plant” means “wastewater treatment plant” as defined by RSA 485-A:2, XVI-a, namely “the treatment facility or group of treatment devices which treats domestic or combined domestic and industrial wastewater through alteration, alone or in combination, of the physical, chemical or bacteriological quality of the wastewater and which dewateres and handles sludge removed from the wastewater.”

Env-Ws 904.04 Municipal Sewer Use Ordinance. Subject to Env-Ws 904.05, in order to be approvable pursuant to Env-Ws 904.06, a municipal sewer use ordinance shall include the following minimum pretreatment standards and related provisions applicable to indirect dischargers:

(a) Local limits which are specifically developed to meet the headworks loading limit and reflect the design and operational capabilities of the POTW. Specific numerical limits shall be required on constituents contained in waste if the inclusion of such limits is necessary to meet applicable federal and state law. The limits shall be applied on a mass basis to allow indirect dischargers to reduce water use. Local limits shall be reevaluated and revised as necessary no less than every 5 years from adoption;

(b) Fume toxicity, explosivity, and ignitability screening levels when necessary for the protection of personnel or sewer structures;

(c) A requirement that wastes introduced into a POTW by any person shall not interfere with the safety, operation, maintenance or performance of the POTW, shall not have an adverse effect on the receiving stream and shall not otherwise endanger life, limb, public property, or constitute a nuisance.

(d) A prohibited wastes list which shall include as a minimum the following:

(1) Any waste containing pollutants in such concentrations which will cause corrosive or structural damage to the POTW, and in no case wastes with pH lower than 5.0, or higher than 12.0;

(2) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW or result in interference with the proper operation of the POTW;

(3) Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate or pollutant concentration which will cause interference with the POTW operations, constitute a hazardous to humans or animals, create a public nuisance, exceed national categorical pretreatment standards or cause pass through;

(4) Any waste containing such concentrations or quantities of pollutants that its introduction to a POTW would cause a treatment process upset and subsequent loss of treatment ability;

(5) Any waste containing heat in amounts which would inhibit biological activity in a POTW resulting in an interference, and in no case wastes at a temperature which exceeds 40° C, 104° F;

- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that might cause worker health and safety problems;
 - (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW;
 - (9) Any medical wastes except as specifically authorized in a discharge permit; and
 - (10) Any wastewater causing the POTW's effluent or sludge to fail a toxicity test.
- (e) A provision or provisions by which the municipality may require a discharger to:
- (1) Install and maintain monitoring and sampling equipment;
 - (2) Keep records of monitoring and sampling data, including quality assurance/quality control records for a period of at least 5 years from the date of the measuring, sampling or report, which period shall be extended through the duration of any enforcement action; and
 - (3) Submit records upon written request to local or state officials.
- (f) Documentation that the local authority has adopted the sewer use ordinance, including adoption date and signatures of adopting officials;
- (g) A requirement that an indirect discharge of wastewater shall only be allowed to a sewer connected to the treatment plant and that all new connected discharges shall be in compliance with pretreatment standards prior to connection to the POTW; and
- (h) A requirement that each indirect discharger obtain a discharge permit from the municipality.

Env-Ws 904.05 Alternate Provisions. A municipality may omit an element required by Env-Ws 904.04 from its municipal sewer use ordinance, or may include alternate or additional elements in its municipal sewer use ordinance, only if:

- (a) The municipality obtains a waiver pursuant to Env-Ws 904.07: or
- (b) The municipality includes, as part of its submittal pursuant to Env-Ws 904.06, an explanation of:
 - (1) Why the element was omitted; and
 - (2) How the resulting municipal sewer use ordinance supports the purpose and intent of the industrial pretreatment requirements as expressed in RSA 485-A and Env-Ws 904.

Env-Ws 904.06 Approval of Municipal Sewer Use Ordinance.

- (a) Each municipality seeking department approval shall submit its sewer use ordinance to the department before adoption.
- (b) Within 60 days of receipt of a sewer use ordinance from a municipality, the department shall review the ordinance for conformity to Env-Ws 904.04.
- (c) The department shall approve the sewer use ordinance if it determines that:
 - (1) The ordinance contains all of the elements required by Env-Ws 904.04 or alternate provisions provided in accordance with Env-Ws 905; and
 - (2) The ordinance does not contain any provisions which are less stringent than the elements required by Env-Ws 904.04.
- (d) The department shall notify the municipality of its approval or disapproval of the sewer use ordinance in writing. The written notification shall include reasons for disapproval when the ordinance is not approved.

Env-Ws 904.07 Waivers.

- (a) Waivers to the pretreatment standards set forth in a sewer use ordinance approved by the department shall be granted by the department only in accordance with this section.
- (b) All requests for waiver approval shall be submitted to the department by or through the municipality and shall be in writing.
- (c) All waiver requests shall include the following information:
 - (1) A full explanation of why a waiver is necessary, with supporting information and calculations;
 - (2) A full explanation of how the granting of the waiver is consistent with the purpose of RSA 485-A as set forth in RSA 485-A:1;
 - (3) A technical analysis of the effects of the proposed discharge on the POTW, relative to:
 - a. Performance and effluent quality;
 - b. Operation and maintenance;
 - c. Safety and health of workers;
 - d. Pass through; and

e. Sludge use or disposal; and

(4) Any other information that the person requesting the waiver believes is relevant to the waiver request.

(d) The department shall review the waiver request within 60 days of receipt. If the request does not contain all of the information specified in (c) above, or if the information is otherwise insufficient to allow the department to make an informed decision, the department shall request additional information.

(e) The department shall grant the waiver if:

(1) The alternatives proposed are at least equivalent to the specific requirements contained in the rule; or

(2) The alternatives proposed are adequate to ensure that the purpose of RSA 485-A is met and the result provides equivalent or better protection of the POTW and the receiving waters.

(f) The department shall deny the waiver if:

(1) Granting the waiver would contravene the stated purpose of RSA 485-A or would contravene any rule adopted pursuant thereto; or

(2) The person requesting the waiver does not provide information requested under (d) above.

(g) The department shall notify the municipality and person requesting the waiver of its decision in writing. If the waiver request is denied, the written decision shall specifically state the reasons for the denial.

Env-Ws 904.08 Industrial Wastewater Discharge Permit Request Applications and Approval.

(a) Application to the department for approval of the discharge of industrial waste to a POTW, having its wastewater treatment plant located in New Hampshire, for any increase in industrial wastewater flow or pollutant concentration or a change in pollutant characteristics that could cause interference with the POTW or have an adverse affect on the receiving stream or otherwise endanger life, limb, public property or constitute a nuisance shall be approved by and forwarded through the municipality.

(b) Application shall be made by completing the department's "discharge permit request" form, by providing:

(1) The name of the municipality;

(2) Prior, new and total flow volume discharges;

(3) The approval of the discharge and signature of an authorized municipal official; and

(4) Attachment of information required in (c) below.

(c) Prior to signing and submitting the application to the department, the municipality shall evaluate the proposed discharge and the ability of the POTW to take the discharge based on information submitted by the industrial user.

(d) The submittal by the industrial user shall include the following information:

(1) The name and address of the industry;

(2) The name and telephone number of a responsible individual at the industry such as a plant manager, plant engineer, president or vice president of the company, who has certified the permit application in accordance with paragraph (e) below;

(3) The type of industry using the Standard Industrial Classification (SIC) code if available;

(4) Whether the industry is subject to national categorical standards, and if so, which;

(5) The estimated average, minimum, maximum and total daily flow for domestic discharges and each process discharge and the time and duration of those discharges;

(6) A schematic of the proposed treatment process;

(7) Plans, specifications, and operation and maintenance procedures for new or modified treatment facilities at the industrial facility which impact the POTW, stamped by a chemical, civil, sanitary, or environmental engineer registered in New Hampshire;

(8) Schematics or drawings, a major components list, and operation and maintenance procedures for existing treatment works designed to discharge directly to receiving waters which will be utilized for pretreating the wastewater and redirecting the discharge to a POTW, reviewed and certified as suitable for the proposed use by a chemical, civil, sanitary, or environmental engineer registered in New Hampshire;

(9) A schematic diagram showing the production process, including the origin of each waste stream;

(10) Analyses of the waste stream(s) to be discharged, which shall include test results or anticipated quantities of pollutants expected to be present, including those regulated by national categorical standards or local sewer use ordinances;

(11) Information on the toxicity and treatability of the particular pollutants proposed to be discharged, as available from manufacturer's testing, safety and data publications;

(12) A map showing the location within the municipality of the industrial facility with respect to the POTW;

(13) A listing of all chemicals used in the industrial facility which will be discharged, such as production chemicals, degreasers, and cleaning solvents;

(14) A description and location diagram of all sampling locations at the industrial facility;

(15) A brief narrative describing those measures taken or planned to reduce water usage and implement pollution prevention techniques, if any, such as:

- a. Flow restricters;
- b. Countercurrent rinses;
- c. Recycling of non-contact cooling water;
- d. Chemical substitutions; and
- e. Pollutant source reduction; and

(16) A list of all environmental permits held by or for the facility.

(e) The application shall also contain the following certification statement signed by an authorized representative of the industrial user:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(f) The proposed discharge shall meet the requirements of these rules, and local pretreatment programs and sewer use ordinances.

(g) By signing the discharge permit request form of the department, the municipal official shall certify that the municipality has met all the forgoing criteria and has evaluated and approves the discharge to the POTW.

(h) No POTW shall allocate or accept for treatment more than 90 percent of the headworks or loading limits.

(i) A discharge permit request and approval shall not be required for short-term trials of 4 months duration, or less, of a new technology which will not cause a violation of the indirect discharger's existing discharge permit from the municipality or a violation of any requirements of the sewer use ordinance.

Appendix

Rule Section(s)	Statute(s) Implemented
Env-Ws 904.01	RSA 485-A:4, XV; RSA 485-A:5
Env-Ws 904.02	RSA 485-A:4, XV; RSA 485-A:5
Env-Ws 904.03	RSA 485-A:4, XV; RSA 485-A:5
Env-Ws 904.04	RSA 485-A:4, XV; RSA 485-A:5
Env-Ws 904.05	RSA 485-A:4, XV; RSA 485-A:5
Env-Ws 904.06	RSA 485-A:4, XV; RSA 485-A:5
Env-Ws 904.07	RSA 485-A:4, XV; RSA 485-A:5
Env-Ws 904.08	RSA 485-A:4, XV; RSA 485-A:5